

## **REMARKS**

Claims 1-9 are pending in this application. Claims 1-9 are amended and new claims 10-20 are added herein. Claims 1, 5, 8, 9, 12 and 17 are independent.

Independent claims 1, 5, 8, 9 are amended to clarify distinguishing aspects of the present invention. Claim 9 is also amended to address noted concerns relating to statutory subject matter. Claims 1-9 are also amended to eliminate means plus function recitations. New claims 10 and 11 are added to recite features previously recited in, but now deleted from, claim 2. New claims 12-16 and 17-20 are added to recite the invention in a somewhat different manner.

### **Non-Statutory Subject Matter Rejection**

Claim 9 stands rejected under 35 U.S.C. 101 as directed to non-statutory subject matter. As noted above, claim 9 is amended to address the noted concern.

Accordingly it is respectfully requested that the rejection be reconsidered and withdrawn.

### **Prior Art Rejections**

Claims 1-4 and 9 stand rejected under 35 U.S.C. 102(b) as anticipated by Tiberio (US Patent No. 5,123,649). Claim 5 stands rejected under 35 U.S.C. 103(a) as obvious over Tiberio in view of Adams (US Patent No. 5,848,932). Claims 6 and 7 stand rejected under 35 U.S.C. 103(a) as obvious over Tiberio and Adams in view of Molnick (US Patent No. 5,800,268). Claim 8 stands rejected under 35 U.S.C. 103(a) as obvious over Tiberio in view of Molnick.

### **Previously Pending Independent Claims 1, 5, 8, and 9**

As clarified, claim 1 requires a disbursement number change device for updating a disbursement number for each of the plurality of winning combinations (the disbursement number being multiplied by a bet number a player bets to

compute what the gaming machine pays out if that winning combination is formed by that player) so as to update a distribution of disbursement numbers for the winning combinations, in response to detection of player conduct of an operation to increase the bet number.

Thus, claim 1 requires that the distribution of disbursement numbers for the plurality of winning combinations be updated in response to detecting that a player has increased the bet number. For example, according to claim 1, the distribution of the disbursement numbers for 5 winning poker combinations might be updated in response to a player placing a bet.

The Official Action points to column 2, lines 1-10 of Tiberio as disclosing such a disbursement number change device. However, the relied upon disclosure teaches “logic for associating at least two of the plurality of pay tables with values (or in some cases a range of values) in the event counter, and selecting the pay table corresponding to the value in the event counter.” Furthermore, the pay table is selected based on occurrences of an event in a prior game. Accordingly, Tiberio lacks any teaching of a distribution of disbursement numbers for the plurality of winning combinations being updated in response to detecting that a player has increased the bet number, and therefore also necessarily fails to teach “a disbursement number change device for updating a disbursement number for each of the plurality of winning combinations so as to update a distribution of disbursement numbers for the winning combinations , in response to detection of the operation by said detecting device.”

As clarified, claim 5 requires a disbursement multiplication factor changing device for determining a multiplication factor of disbursement for each winning combination by a lottery and independently from respective ranks of the plurality of winning combinations, in response to detection of operation of the bet operating device which allows a player to conduct an operation to bet game media. Thus, as recognized in the Official Action, claim 5 requires not only that a multiplication factor of disbursement for each winning combination be determined in response to detection of an operation associated with a player betting game

media, but that the determination is by a lottery and independent of the respective ranks of the plurality of winning combinations.

The Official Action also recognizes that Tiberio lacks any suggestion of determining a multiplication factor of disbursement by a lottery and independently from the respective ranks of the winning combinations, and points to the description in of column 2, lines 10-21, and the Abstract of Adams as disclosing “a discernable multiplier which provides the ability to change either the payout from the primary gaming unit or the secondary payout indicator, or both.” However, the referenced text of Adams lacks any disclosure relating to determining a multiplication factor of disbursement by a lottery and independently from the respective ranks of the winning combinations. Although, the text in column 5, line 51, through column 6, line 23, of Adams discloses that the bonus multiplier 170 may be determined randomly, it is respectfully submitted that Adams lacks any suggestion of determining a multiplication factor of disbursement for each of a plurality of winning combinations by a lottery and independently from respective ranks of the plurality of winning combinations, as required by amended claim 5.

With regard to claim 8, it is noted that, as understood, Molnick is applied solely for its teaching of a server based gaming system, and according does not cure the deficiency in Tiberio, as discussed above with reference to claim 1.

Claim 9 is distinguishable on similar grounds to those discussed above with reference to claim 1.

### **New Independent Claims 12 and 17**

New independent claim 12 requires a controller configured to (i) update disbursement numbers for the plurality of winning combinations in response to detection of an operation that allows a player of the game to increase a bet number, (ii) determine a disbursement number for each winning combination based on the updated disbursement numbers, and (iii) cause a display to display a table of determined disbursement numbers.

It is respectfully submitted that claim 12 is distinguishable for reasons

which include those discussed above with reference to claim 1.

New independent claim 17 requires that (i) in response to the detection of the bet, previously determined disbursement numbers be updated based on a lottery result and irrespective of the rank relationship of the plurality of game winning combinations (the rank relationship being from a top rank to a bottom rank with each of the plurality of winning combinations having a different rank), and (ii) the updated disbursement numbers be displayed to the players of the game as the disbursement numbers currently associated with the plurality of winning combination, in lieu of prior displayed previously determined disbursement numbers.

It is respectfully submitted that, for example, the applied prior art lacks any suggestion of updating previously determined disbursement numbers based on a lottery result. Furthermore, the prior art lacks any suggestion that a previously determined disbursement number (which may affect the win amount paid out to the winning player) be updated (e.g. changed) irrespective of the rank relationship of the plurality of game winning combinations. Rather, as understood, the prior art only changes a previously determined disbursement number in correspondence with (and hence respective of) the rank relationship of a plurality of game winning combinations. Also, it should be noted that claim 17 requires that the updated disbursement numbers be displayed to the players of the game as the disbursement numbers currently associated with the plurality of winning combination, in lieu of prior displayed previously determined disbursement numbers. This feature is, as understood, also lacking in the prior art.

### **Dependent Claims**

Other features recited in the dependent claims are believed to further distinguish over the applied prior art. For example:

As required by claims 3, 4 and 16, the determined disbursement number for each winning combination is one of an increased number, a decreased number and a same number as compared with the corresponding disbursement

number for the applicable winning combination prior to updating. Claim 20 requires that the updating of the previously determined disbursement numbers based on the lottery result, include (i) increasing or maintaining the previously determined disbursement number associated with one of the plurality of winning combinations and (ii) decreasing the previously determined disbursement number associated with another of the plurality of winning combinations. Contrary to the Official Action, it is respectfully submitted that Tiberio lacks any teaching or suggestion that, for example, a disbursement number for each winning combination is a decreased number based on an increase in the bet number (see for example Figures 3-5 of Tiberio).

As required by claims 10, 11 14 and 15, the operating device becomes operative for either a predetermined number of times or for a predetermined period of time during a game. Claim 19 requires that the detecting of a bet by a player of the game is limited to detecting a bet (i) no more than a predetermined number of times during a game or (ii) during a predetermined period of time during a game. It is respectfully submitted that the relied upon disclosure in column 2, lines 12-15 of Tiberio (as cited in support of the rejection of claim 2) lacks any teaching or suggestion of a device operative for only a predetermined number of times or a predetermined period of time during a game.

Claim 18 requires that (i) the detecting of a bet by a player (for purposes of the updating) is limited to detecting a bet that raises a prior bet, and (ii) the updated disbursement numbers are the same numbers as the previously determined disbursement numbers, but the association between the updated disbursement numbers and the plurality of winning combinations is different than the association between the previously determined disbursement numbers and the plurality of winning combinations. It is respectfully submitted that the prior art lacks any suggestion of updating (e.g. changing) disbursement numbers such that the numbers are the same before and after updating, but the association between the updated disbursement numbers and the plurality of winning combinations is different than the association between the previously determined disbursement numbers and the plurality of winning combinations.

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In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number, in order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, if any further comments, questions or suggestions arise in connection with the application.

To the extent necessary, Applicants petition for an extension of time under 37 CFR § 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account No. 01-2135 (Case No. 1227.42917x00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,  
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